

REMARKS

Reconsideration and allowance of claims 1-85 pending in the application are requested

I. Status of the Application:

1.2. The amendment filed November 16, 2007 is objected to because it introduces new matter as recited in claim 85 and cancellation of the new matter is required.

1.3 Claims 1, 21, 41 and 51 have been rejected under 35 U.S.C. § 103(a), as being unpatentable over US Patent No. 6,202,157 to M. Brownlie et al, issued March 13, 2001, filed December 8, 1997 (hereafter Brownlie) and further in view of US Patent Publication No. 2004/0165588 A1 to A Pandya, published August 26, 2004, filed February 20, 2004 (hereafter Pandya)

1.4 Claims 2, 22, and 42 have been rejected under 35 USC 103 (a) based on Brownlie in view of Pandya at Paragraphs 0089 and 0275.

1.5 Claims 3, 23 and 43 have been rejected under 35 USC 103 (a) based on Brownlie at column 6, lines 33-38 and column 4, lines 31-39.

1.6 Claims 4, 24 and 44 have been rejected under 35 USC 103 (a) based on Brownlie at 4, lines 31-39.

1.7. Claims 5, 25 and 45 have been rejected under 35 USC 103 (a) based on Brownlie at column 3, lines 9-24 and lines 31-43.

1.8. Claims 6, 26 and 46 have been rejected under 35 USC 103 (a) based on Brownlie. at column 3, lines 10-24.

1.9. Claims 7, 27 and 47 have been rejected under 35 USC 103 (a) based on Brownlie at column 3, lines 10-24.

1.10 Claims 8, 28, and 48 have been rejected under 35 USC 103 (a) based on Brownlie column 4, lines 7-15.

1.11. Claims 9, 29 and 49 have been rejected under 35 USC 103 (a) based on Brownlie at column 4, lines 18-33.

1.12 Claims 10, 20 and 40 have been rejected under 35 USC 103 (a) based on Brownlie at column 2, lines 2-11 and lines 41-49

1.13 Claims 11, 31 and 51 have been rejected under 35 USC 103 (a) based on Brownlie in view of Pandya at Paragraphs 0274-0276.

1.14 Claims 12, 32 and 52 have been rejected under 35 USC 103 (a) based on Brownlie in view of Pandya at Paragraph 0276.

1.15 Claims 13, 33 and 53 have been rejected under 35 USC 103 (a) based on Brownlie in view of Pandya at Paragraphs 0089 and 0275.

1.16 Claims 14, 34 and 54 have been rejected under 35 USC 103 (a) based on Brownlie at column 6, lines 33-44.

1.17 Claims 15, 35 and 55 have been rejected under 35 USC 103 (a) based on Brownlie at column 7, line 66-column 8, line 23.

1.18 Claims 16, 36 and 56 have been rejected under 35 USC 103 (a) based on Brownlie in view of Pandya at Paragraph 0089.

1.19 Claims 17, 37 and 57 have been rejected under 35 USC 103 (a) based on Brownlie in view of Pandya at Paragraphs 0012-00113; 0033 and 0275.

1.20 Claims 18, 38 and 58 have been rejected under 35 USC 103 (a) based on Brownlie in view of Pandya at Paragraphs 0089 and 0275

1.21 Claims 19, 39 and 59 have even rejected under 35 USC 103 (a) based on Brownlie in view of Pandya at Paragraphs 0089 and 0275.

1.22. Claims 20, 30 and 50 have been rejected under 35 USC 103 (a) based on Brownlie at column 6, lines 33-38

1.23 Claims 60 and 80 have been rejected under 35 USC 103 (a) based on Brownlie in view of Pandya at Paragraphs 0089 and 0275.

1.24 Claims 61, 71 and 81 have been rejected under 35 USC 103 (a) based on Brownlie on the same rational as claim 1.

1.25 Claims 62, 72 and 82 have been rejected under 35 USC 103 (a) based on Brownlie at column 2, lines 61-66.

1.26 Claims 63, 73 and 83 have been rejected under 35 USC 103 (a) based on Brownlie at column 2, lines 61-66.

1.27 Claims 64, 74, and 84 have been rejected under 35 USC 103 (a) based on Brownlie at column 2, lines 61-66.

1.28 Claims 65 and 75 have been rejected under 35 USC 103 (a) based on Brownlie in view of Pandya Paragraphs 0089 and 0275.

1.29 Claims 66 and 78 have been rejected under 35 USC 103 (a) based on Brownlie in view of Pandya at Paragraphs 0089 and 0275.

1.30 Claims 67 and 77 have been rejected under 35 USC 103 (a) based on Brownlie and the same rational as claim 1.

1.31 Claims 68 and 78 have been rejected under 35 USC 103 (a) based on Brownlie at column 2, lines 61-66.

1.32 Claims 69 and 79 have been rejected under 35 USC 103 (a) based on Brownlie at column 2, lines 61-66.

1.33 Claim 85 has been rejected under 35 USC 103 (a) based on Brownlie at column 7, lines 21 and 41-49.

Applicants have added New Claims 86 and 87 for further protection of the disclosed subject matter.

Applicants have amended independent claims 1, 21, 41, 51, 61, 67, 73, 77, 81 and 85 to further define the claimed subject matter and overcome the cited art.

II. Response to the Rejections under 35 U.S.C. § 103(a)

Before responding to the rejections in the above Paragraphs 1.1 -1.33, applicants describe the scope of the Brownlie and Pandya disclosures (the cited art), alone or in combination, and the features in the claimed subject matter absent in the cited art, as follows:

A. Brownlie discloses a computer network security system 10 having enforceable security policy provision. A central server 12 provides variable security policy rule data that may be selected through an administrator interface 14 such as a graphical user interface with graphic buttons for selecting various policy parameters. Policy rule data or policy parameters preferably relate to security policies that should be enforced by each network node (or client) in the networked computer system. The central server 12 includes a certification authority server 16 that receives the variable security policy rule data from the administrator interface 14. The certification authority server 16 optionally associates a digital signature to the variable security policy rule data after it is entered for any given network node. A public directory 20 stores the digital signature and variable policy rule data in the form of the policy certificate. A plurality of network nodes 22 have access to the public directory 20 through a network link 24. Each network node 22 obtains the digital signature and variable policy rule data in the form of the policy certificate from the public directory server 20 and analyzes the variable public rule data to facilitate unilateral security policy update and enforcement at a network node level. A cryptography engine at each node decodes encrypted data and sends encrypted data to other nodes in the network. The cryptography engine facilitates cryptographic processing of data that is accessible by a plurality of software applications supported by the node 22.. Each application

may have different policy rule data in corresponding policy certificates, or corresponding local data stores (where policy certificates are not used) to facilitate policy customization in a per application basis. A local policy rule data memory 26 stores variable policy rule data obtained from public directory 20. A policy engine 28 stores restored policy rule analysis data to decode the variable policy rule data received from the public directory 20 or policy memory 26. The policy engine 28 uses the policy rule analysis data to facilitate unilateral security policy enforcement once the variable policy rule data has been decoded. The security policy enforcement is done solely by the node.

B. Applicants' claimed features not disclosed or suggested in Brownlie, as follows:

1. Applicants describe a short-range ad hoc network where the devices independently provide secure communications between selected applications in the ad hoc network, as described in applicants' specification at Paragraph 0012.

In contrast, Brownlie discloses a centrally directed, rule driven computer network security system and method utilizing authenticated, and centrally assigned security policy data, such as password length limits and lifetime limits (e.g., for passwords and certificates), that is unilaterally enforced at network nodes by node policy enforcement engines.

Brownlie fails to disclose or suggest to a worker skilled in the art secure communications between applications in an ad hoc short range network. Brownlie provides security for applications at the nodes and not between applications at the node as disclosed by applicants.

2. Applicants describe secure communications between applications that rely upon middleware to facilitate inter-application communication, as described in applicants' specification at Paragraph 0026. There is no disclosure in Brownlie of a middleware layer facilitating communications between applications in a short-range network.

3. Applicants describe an application directory at each node, the directories of the nodes being exchanged as part of establishing a connection, as described in applicants' specification at Paragraph 0035. Brownlie at column 3, lines 25- 65 describes a central server in a computer network storing applications and providing security policies to network nodes for

handling application obtained from the server. There is no disclosure in Brownlie of the network nodes exchanging applications with the central server

4. Summarizing, Brownlie fails to disclose or suggest (a) a short range network where the devices independently provide secure communications between applications at the nodes; (b) a middleware layer for facilitating communications between the nodes via a middleware layer, (c) a directory of applications at each node and (d) exchanging directories as a part of establishing a connection between devices,

C. Pandya discloses a security system comprising one or more networked systems. At least one of the networked systems includes a hardware processor providing a protocol processing stack. The hardware processor comprising (1) a protocol processing engine to do transport layer protocol processing; or (2) a programmable rule processing engine to analyze network traffic for rule matching or taking actions on matched rules or a combination thereof; or (3) a security processing engine to do encryption, decryption, authorization or authentication or a combination thereof using standard or proprietary security protocols; or (4) a packet classification engine to classify the network traffic; or (5) a packet processing engine to perform packet processing tasks like header processing or deep packet processing or (6) a combination of the foregoing. The security system provides a secure operating environment for the protocol processing stack for trusted computing needs of one or more of the networked systems. A policy driver sets up the hardware processor for security policy rules to be enforced by the hardware processor. A central manager compiles and distributes the rules and monitors the enforcement of the rules by the hardware processor.

D. Applicants' claimed features not disclosed or suggested in Pandya, as follows:

1. Pandya discloses a centrally directed, rule driven hardware processor at each node in a computer network for distributed security. The processor provides firewall, intrusion detection, virus scan, virtual private network, confidentiality services and the like in internal systems of the computer network. The distributed security systems is managed from one or more centralized systems used by IT managers for managing the network.

There is no disclosure in Pandya of a short range ad hoc network of devices independently providing secure communications, each device including a middleware layer for facilitating secure communications between device; the devices having application directories listing classified applications and the devices exchanging the directories; and determining whether a secure connection should be established between the device based on the security classifications of the applications in the directories.

E. Pandya does not supply the missing features in Brownlie related to applicants' claimed features, as follows:

1. Pandya does not supply a middleware layer at the nodes in the computer network.

2. Brownlie is directed to a centrally directed, rule driven computer network security system whereas Pandya is directed to a centrally directed, distributed rule driven computer network security system. Pandya does not disclose or suggest a short range ad hoc security system where the nodes independently determine security for applications exchanging information.

3. Pandya does not disclose at each node a directory of applications and determining at the node whether to establish a secure connection and the degree of security for connecting together applications for exchanging information.

The rejection of claims 1-85 is not supported in the cited art for the reasons indicated above. Withdrawal of the rejection under 35 USC 103 (a) and allowance of claims 1-85 are requested

F. Applicants respond to the indicated Paragraphs of the rejection, as follows:

Paragraph 1:

The Examiner's comment are noted without the need to respond.

Paragraph 2:

Applicants' traverses the rejection of claim 85 under 35 USC 132 (a) based on the alleged introduction of new matter not supported by the original disclosure, as follows:

A. Applicants in the amendment filed November 16, 2007 supported each and every element of claim 85 by reference numerals described in the specification. The reference numbers enable any worker skilled in the art to recognize the claimed subject matter.

B. The Examiner has provided no basis why the claimed subject matter is not disclosed in the application. MPEP 2163 states, in part, "The examiner has the initial burden of presenting evidence or reasoning to explain why persons skilled in the art would not recognize in the original disclosure a description of the invention defined by the claims. See Wertheim, 541 F. 2d at 263, 191 USPQ at 97 ("[T]he PTO has the initial burden of presenting evidence or reasons why persons skilled in the art would not recognize in the disclosure a description of the invention defined by the claims."). However, when filing an amendment an applicant should show support in the original disclosure for new or amended claims. See MPEP § 714.02 and § 2163.06 ("Applicant should * * * specifically point out the support for any amendments made to the disclosure."). The reference numbers cited in the claim specifically point out support in the specification for the claimed subject matter.

Applicants request withdrawal of the rejection and entry of claim 85 for purpose of prosecution.

Paragraphs 3/4:

Claims 1-85 include features not disclosed or suggested in Brownlie or Brownlie in view of Pandya and overcome the rejection under 35 USC 103 (a), as follows:

A. Claims 1, 21, 41 and 51:

The cited text describes a centrally directed rule driven computer network security system and fails to describe or suggest a short range ad hoc network restore with an application directory in a middleware layer and independently establishing a security association to support a

data communication. The centrally directed, rule driven computer network security system of Brownlie and Pandya do not equate to an independently controlled data communication system in an ad hoc network including wireless devices having a memory storing middleware layer for facilitating communication among the devices, as further described in the above paragraphs A-D. Accordingly, there is no support in Brownlie or Pandya, taken alone or in combination, for an ad hoc network independently establishing security among a wireless devices in a network wherein a middleware layer facilitates communication.

Withdraw or rejection under 35 U.S.C. § 103(a) and allowance of Claims 1, 21, 41 and 51 are requested.

B. Dependent Claims 2-20, 22-40, 42-50 and 52-60:

Applicants can find no disclosure or support in Brownlie or Pandya (cited art) describing the features of an application directory in a middleware layer for independently establishing a security association to support a data communication.

In any case, the subject dependent claims further describe and limit dependent Claims 1, 21, 41, and 51 respectively and are patentable on the same basis as the independent claims for which they dependent.

Withdraw or the rejection under 35 U.S.C. § 103(a) an allowance of dependent claims 2-20; 22-40; 42-50 and 52-60 are requested.

C. Claims 61, 73 and 81:

The subject claims are rejected on the same rationale as Claim 1, which applicant has distinguished in the above Paragraph A. Accordingly, Claims 61, 73 and 81: describe subject matter not disclosed or suggested in the cited references.

Withdraw or the rejection under allowance of Claims 61, 73 and 81 are requested.

D. Dependent claims 62-66; 74-76; 82-84:

The cited text in Brownlie and Pandya describe a centrally directed, rule driven computer network security systems. Applicants can find no basis for a worker skilled in the art

to implement the subject claims describing an independently directed ad hoc network having wireless devices including a middleware layer facilitating secure communications among the devices.

Withdraw of the rejection under 35 U.S.C. § 103(a) and allowance of Claims 62-66; 74-76 and 82-84 are requested.

In any case, the subject dependent claims depend from and further limit independent claims 61, 73 and 81 and are patentable over Brownlie and Pandya on the same basis as the independent claim from which they depend.

E. Claims 67 and 77:

Claims 67 and 77 have been rejected on the same rationale as Claim 1. Applicants have distinguished Claim 1 from Brownlie in view of Pandya. Accordingly, Claims 67 and 77 for the reasons indicted in the consideration of Claim 1 above, describes subject matter not disclosed or suggested in the cited references. Withdraw of the rejection under 35 U.S.C. 103(a) an allowance thereof are requested.

Claims 67 and 77 have been rejected under 35 USC 103 (a) on the same rational as claim 1. Applicants have demonstrated in the consideration of claim 1 that Brownlie and Pandya, alone or in combination, fail to disclose an ad hoc network including devices independently establishing secure connections and a middleware layer facilitating communication between the devices.

Withdrawal of the rejection of claims 67 and 77 under 35 USC 103 (a) and allowance thereof are requested.

F. Dependent claims 68-72, 78-80:

Dependent Claims 68-72, 78-80 are further described and limit independent Claims 67 and 77 and are patentable on the same basis thereof.

The subject dependent claims depend from and further limit independent claims 67 and 77 and are patentable over the cited art on the same basis as the independent claims from which they depend directly or indirectly.

Withdrawal of the rejection under 35 USC 103 (a) and allowance thereof are requested.

G. Claim 85:

The Examiner has rejected Claim 85 based on Brownlie at column 7, lines 2-11 and 41-49. The cited text describes a centrally directory, rural driven computer network security system based on policy rule setting data. In contrast, Claim 85 describes network elements having a application directory stored in a memory including a middleware layer or independently establishing a security association to support a data communication.

Applicant can find no disclosure or suggestion in Brownlie related in network elements including a middleware layer and a memory for an independently establishing a security association among wireless devices and an ad hoc network for a data communication.

Withdraw of the rejection 35 U.S.C. 103(a) an allowance thereof are requested.

Claim 85 has been rejected under 35 USC 103 (a) based on Brownlie at column 7, lines 2-11 and 41-48. The cited text describes a policy engine that determines the rules to enforce and prevent network nodes from performing unauthorized actions. In contrast, applicants describe a middleware layer including parameters for establishing secure connection between devices in an ad hoc network. Applicants can find no disclosure in Brownlie describing a middleware layer storing parameters for establishing secure connections between devices in an ad hoc network.. Brownlie at the cited text fails to support the rejection of claim 85 under 35 USC 103 (a). Withdrawal of the rejection and allowance of claim 85 are requested.

III. **Patentability Support for New Claims 86 and 87:**

Claim 86 describes the priorities of the applications are determined based on exchanged application directories between the encountered devices (i.e. both parties provide their own priorities and the final priority is determined on the combination of the application directories.) The security association that is established between the devices corresponds with the parameters associated with the selected entry in the application directory (i.e. the "level of the

security association is based on the requirements included in the security parameters associated with the selected entry in the application.)

Claim 87 describes whether there already exists a security association between the wireless and nearby devices that is compliant and meets the security level associated with the parameters of the selected entry in the application directory.

Claims 86 and 87 are supported in applicants' specification at Paragraphs 0012 and 0030-0037.

Applicants can find no disclosure in the cited art which describes the features in New Claims 86 and 87.

Entry and allowance of claims 86 and 87 are requested.

CONCLUSION

Applicants have demonstrated that claim 85 does not disclose new matter and that New Claims 86 and 87 are not disclosed in the cited art. . Further, Brownlie and Pandya, alone or in combination, fail to disclose or suggest (1) a short-range, middleware based ad hoc communications network; wherein (2) wireless devices independently establish secure communication between applications facilitated by a middleware layer, and (3) establishing a combined directory of applications for the wireless devices in the ad hoc network.

Entry of the amendment; withdrawal of the rejection under 35 U.S.C. § 103(a); allowance of claims 1-87, and passage to issue of the application are requested.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 4208-4163.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No **13-4500**, Order No. 4208-4163.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: April 30, 2008

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